



INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE
(the Committee)

DECISION AND REASONS

COMPLAINANT: Ms. Christine Massey
RESPONDENT: Dr. Syed Wajid Ahmed (CPSO# 88238)
Public Health and Preventative Medicine
FILE NO.: 1110270

INTRODUCTION

The Respondent is Acting Medical Officer of Health in Windsor-Essex County, where the Complainant resides. In December 2018, the Respondent, in his role as the Medical Officer of Health, spoke at a Windsor City Council meeting regarding the addition of fluoride to the water.

There is no physician-patient relationship between the Respondent and the Complainant.

The Complainant contacted the College to express concern about the communications of the Respondent, as follows:

Concerns Raised in the Complaint

The Complainant is concerned that the Respondent, while acting as the Medical Officer of Health for the Windsor-Essex County Health Unit in a presentation on December 17, 2018, "deliberately recommended the injection of a noxious substance into the community water supply of the City of Windsor and other communities with the purpose of preventing tooth decay for some children, regardless of its ineffectiveness for doing so among others."

The Committee considered this matter on November 12, 2019, and made the preliminary determination that it would take no action with respect to the complaint. The Committee's authority to make this determination is found in subsection 26(4) of the *Health*

Professions Procedural Code (the Code), which is Schedule 2 to the *Regulated Health Professions Act, 1991, S.O. 1991, c. 18* (the RHPA).

Subsection 26(4) of the Code states:

If the panel considers a complaint to be frivolous, vexatious, made in bad faith, moot or otherwise an abuse of process, it shall give the complainant and the member notice that it intends to take no action with respect to the complaint and that the complainant and the member have a right to make written submissions within 30 days after receiving the notice.

Subsection 26(5) of the Code states:

If the panel is satisfied, after considering the written submissions of the complainant and the member, that a complaint was frivolous, vexatious, made in bad faith, moot or otherwise an abuse of process, the panel shall not take action with respect to the complaint.

The Committee advised the parties of its preliminary decision by letter dated November 13, 2019. The letter set out that the Committee's preliminary determination was based on the fact that the behaviour complained of does not relate to the practice of medicine, as these are actions of a public official that were carried out in the course of his duties (i.e. official's involvement in policy and initiatives), and the materials relate to comments made or advocacy on health or system issues by a physician in a public forum, as part of a public debate. As required under the Code, the Committee gave the parties the opportunity to make written submissions within 30 days regarding the Committee's intention to take no further action.

The Committee considered this matter for a second and final time on January 16, 2020 and decided, pursuant to section 26(5) of the Code, to take no action, on the basis that this complaint is frivolous, vexatious, made in bad faith, moot or otherwise an abuse of process.

INFORMATION BEFORE THE COMMITTEE

The panel considered all correspondence and records obtained during the course of its investigation, including documentation submitted by the Complainant and the Respondent.

The Committee applies legislation and regulations, and refers to policies that the College has developed, which reflect the College's professional expectations of physicians practising in Ontario. College Policies may be accessed on the College's website at www.cpso.on.ca, under the heading "Policies & Publications." The Committee will provide a copy of any policy referred to in this decision.

The Committee always has before it the physician's history with the College, if any.

ANALYSIS AND CONCLUSIONS

The Committee considered the following points in reaching its decision:

- Following the College's letter notifying the Complainant and the Respondent of its preliminary determination, the Complainant submitted further correspondence reiterating and elaborating on her original complaint.
- The Committee previously considered and disposed of previous complaints regarding the Respondent's statements in December 2018 which were submitted by different complainants. There is no new information before the Committee regarding this matter which would lead us to a different disposition.
- Upon second consideration of this matter, the Committee remains of the view that no further action is warranted. The Respondent's comments were made in his capacity as a medical officer of health during presentation at a city council meeting. The complaint is not related to the practice of medicine; rather, it pertains to the actions of a public official that were carried out in the course of his duties and relates to comments made by a physician in a public forum, as part of a public debate.

DISPOSITION

For the reasons set out above, the Committee takes no further action on this complaint.



PANEL MEMBERS: January 16, 2020

B. BURKE, MD – Acting Chair, ICR Committee

S. WHITE, MD

H. ERLICHMAN – Public Member